

House Bill 489

By: Representative Knight of the 126th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 44-14-363 of the Official Code of Georgia Annotated, relating to special liens on personalty, so as to eliminate aircraft liens subject to recordation in the Federal Aviation Administration's Aircraft Registry from this Code section; to amend Code Section 44-14-518 of the Official Code of Georgia Annotated, relating to liens on aircraft for labor and materials and for contracts of indemnity, so as to provide for filing a notice of intention to claim a lien with the Federal Aviation Administration's Aircraft Registry; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 44-14-363 of the Official Code of Georgia Annotated, relating to special liens on personalty, is amended by revising paragraph (1) of subsection (c) as follows:

"(c)(1) When possession of the property is surrendered to the debtor, the mechanic shall record his or her claim of lien within 90 days after the work is done and the material is furnished or, in the case of repairs made on or to ~~aircraft or~~ farm machinery, within 180 days after the work is done and the material is furnished. The claim of lien shall be recorded in the office of the clerk of the superior court of the county where the owner of the property resides. The claim shall be in substance as follows:

'A.B., mechanic, claims a lien on _____ (here describe the property) of C.B., for work done, material furnished, and storage accruing (as the case may be) in manufacturing, repairing, and storing (as the case may be) the same.'"

SECTION 2.

Code Section 44-14-518 of the Official Code of Georgia Annotated, relating to liens on aircraft for labor and materials and for contracts of indemnity, is amended as follows:

1 "44-14-518.

2 (a) Any person engaged in fueling, repairing, storing, servicing, or furnishing supplies or
 3 accessories for aircraft or aircraft engines or providing contracts of indemnity for aircraft
 4 shall have a lien on such aircraft or aircraft engines for any reasonable charges therefor,
 5 including charges for labor, for the use of tools, machinery, and equipment, and for all
 6 parts, accessories, materials, fuel, oils, lubricants, storage fees, earned premiums, and other
 7 supplies furnished in connection with the servicing or furnishing of supplies or accessories
 8 or providing contracts of indemnity for such aircraft. Such lien shall be dissolved unless
 9 the person claiming it shall file, therewith. Except as provided by subsection (a) of Code
 10 Section 11-9-333, such lien shall be superior to all liens except liens for taxes.

11 (b) Such lien may be asserted by the retention of the aircraft or aircraft engines, and if such
 12 lien is asserted by retention of the aircraft or aircraft engine, the lien or shall not be
 13 required to surrender the aircraft or the aircraft engine to the holder of a subordinate
 14 security interest or lien. When possession of the aircraft or aircraft engine is surrendered
 15 by the person claiming the lien, the person claiming the lien shall, within 90 180 days after
 16 such fuel, repair, storage, service, supplies, accessories, or contracts of indemnity are
 17 furnished; in the office of the clerk of superior court of the county within which the aircraft
 18 was located at the time such service, supplies, accessories, or contracts of indemnity were
 19 furnished, a statement,

20 (1) Provide written notice, subscribed and sworn to by such person or by some person
 21 in his or her behalf, giving a just and true account of the demands claimed to be due, with
 22 all just credits and the name of the person to whom the fuel, repair, storage, service,
 23 supplies, accessories, or contracts of indemnity were furnished, the name of the owner
 24 of the aircraft or aircraft engine, if known, and a description of the aircraft sufficient for
 25 identification. Such statement shall be recorded by the clerk in a book kept for that
 26 purpose, for which the clerk shall receive the same fees as provided in subparagraph
 27 (f)(1)(A) of Code Section 15-6-77 for recording liens; by personal delivery, certified mail
 28 with return receipt requested, or statutory overnight delivery to the following:

29 (A) The registered owner and others holding recorded interests in the aircraft or aircraft
 30 engines at the addresses listed in the Federal Aviation Administration's Aircraft
 31 Registry; or

32 (B) If not a United States registered aircraft or if the aircraft engine is not subject to
 33 recordation by the Federal Aviation Administration, to the owner, if known, at his or
 34 her last known address, or, if not known, the person to whom the fuel, repair, storage,
 35 service, supplies, accessories, or contracts of indemnity were furnished; and

36 (2) File such written notice for recording in the Federal Aviation Administration's
 37 Aircraft Registry in the manner prescribed by federal law under 49 USC Section 44107

1 for the filing of such liens for recordation, or, if not a United States registered aircraft or
2 if the aircraft engine is not subject to recordation by the Federal Aviation Administration,
3 with the appropriate recording authority, established by applicable state law, international
4 treaty, or foreign law, in the manner prescribed for the filing of such liens for
5 recordation."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.